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ABSTRACT

This paper reviews the case of Carrie Buck, who was the first person sterilized (in 1927) under a Virginia law allowing sterilization of persons identified as incompetent and likely to genetically transmit physical, psychological, or social deficiencies to their offspring. This law was later upheld by the Supreme Court in Buck v. Bell, which reasoned that the case was consistent with the eugenic view that most socially undesirable traits, including mental retardation, were most often hereditary. The later activities of Carrie Buck and the opinions of friends and employers support the view that she was not mentally retarded (as also was the case for her daughter born prior to the sterilization). This paper considers this case as representative of the deprivation of human rights resulting from the idea that human life can be reduced to biological determinism. Moral and ethical implications are drawn and applied to the potential findings of the current Human Genome Project. (Contains 12 references.) (DB)

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Biological Determinism and the Concept of Mental Retardation: The Lesson of Carrie Buck

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A Presentation for the

71st Annual CEC Convention
San Antonio, Texas
April 5-9, 1993

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Biological Determinism and the Concept of Mental Retardation: The Lesson of Carrie Buck

An Abstract of the Presentation
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In 1927 a young woman named Carrie Buck was sexually sterilized. She was the first person to be sterilized under the authority of a Virginia law which allowed the state to impose this surgery on persons diagnosed as being incompetent and found to be likely to genetically transmit physical, psychological or social deficiencies to their offspring. Carrie had been committed to an institution for "feebleminded" people following the birth of her illegitimate child. Her mother had been committed to the same institution some years earlier because of prostitution and other socially unacceptable behavior. It was reported that Carrie's infant daughter, after being placed in the same foster home where Carrie had grown up, showed signs of being mentally deficient.

To the physicians, lawyers and politicians who wished to see the Virginia law validated, Carrie Buck seemed to be the perfect person for the test of the law. Their judgement proved to sound. The Supreme Court upheld the constitutionality of the law in the case which came to be known as Buck v. Bell. Carrie was followed by thousands of other Virginians who were sterilized under the provisions of the law. The law became the model for sterilization statutes in other states. A conservative estimate is that 50,000 people were sterilized in the United States by the authority of these statutes. Ultimately the Virginia law was the model used as part of the Nazi Race Hygiene Program.

Justice Oliver Wendell Holmes wrote the majority opinion in Carrie Buck's case. His opinion included the famous phrase, "three generations of imbeciles are enough". His reasoning in the case was consistent with the eugenic view that most socially undesirable traits, including mental retardation, were most often hereditary. The view inherent in the decision was that sterilization would help stem the feared flood of incompetence resulting from this genetic blight.

Carrie's child, Vivian, alleged to represent the "third generation of imbeciles", grew to be an attractive child who was an honor roll student. Carrie, the alleged second generation of imbeciles, was paroled after her sterilization to a mountain village where she soon married the deputy sheriff. Later in her life she was entrusted with the care of elderly and chronically ill people. Friends and employers attested to the fact that Carrie Buck was not mentally retarded.

Carrie's story is a tragic saga of one injured life but it is also an important illustration of the danger of biological deterministic thought. This presentation will examine the connections between Buck v. Bell and the eugenics movement of which it was a part. The relevance of the case to contemporary issues in mental retardation will be discussed.

In 1927 a young woman named Carrie Buck was involuntarily sterilized. She was the first person to be subjected to that surgery under the authority of a Virginia law. That law allowed the state to impose sterilization on persons diagnosed as being incompetent and found to be likely to genetically transmit physical, psychological or social deficiencies to their offspring. Carrie Buck had been committed to an institution for people diagnosed as "feebleminded". The commitment followed her giving birth to an illegitimate child. Carrie's mother had been committed to the same institution some years earlier. Her institutionalization apparently resulted from prostitution and other socially unacceptable behavior. It was reported that Carrie's infant daughter also showed signs of being mentally deficient.

To the physicians, lawyers and politicians who wished to see the Virginia sterilization law constitutionally validated, Carrie Buck seemed to be the perfect person for the test of the law. The argument could be made that her mother was mentally deficient, that Carrie was mentally retarded and that her baby showed signs of feeblemindedness. This evidence of genetic transmission of their inferiority would then be presented as illustrating the need for an involuntary sterilization statute. The judgement of those who selected Carrie for the test case proved to be sound. The Supreme Court upheld the constitutionality of the law in the case which came to be known as Buck v. Bell. In delivering the majority opinion in the decision, Justice Oliver Wendell Holmes wrote:

> "We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the State for these lesser sacrifices, often felt to be much by those concerned, in order to prevent our being

swamped with incompetence. It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes..."

The sterilization of Carrie Buck achieved a place in legal history and in the annals of the social sciences. The saga of social Darwinism and eugenics in the United States, indeed in the world, simply cannot be told without reference to the Supreme Court decision in her case. The fact that the legal integrity of compulsory sterilization was endorsed by the highest court in a country that prided itself on its commitment to individual freedom had a global impact. Carrie, as the subject of the case, became an historical figure of international fame. Carrie, the person, lived a life marked by what had been erroneously claimed of her and what was decided about her by people of power and influence. These people, however, had little understanding of her true character and abilities. I will try to illustrate this later in my remarks.

Carrie was followed by thousands of other people who were sterilized under the provisions of the law. Virginia's law also became the model for sterilization statutes in other states. A conservative estimate is that 50,000 people were sterilized in the United States by the authority of these statutes. Ultimately the Virginia law was the model used as part of the Nazi Race Hygiene Program. On July 14, 1933, the model sterilization act developed by eugenics advocate Harry Laughlin, the same model used by Virginia, became law in Germany.

The Nazi law was implemented swiftly and broadly. By the end of the first year that it was in effect, according to S.J. Holmes, over 56,000 people had been found to be defective by special hereditary health courts and had been sterilized. Hitler's race hygiene programs were applauded by American eugenicists. Sterilization proponent Paul Popenoe felt that the Nazis were following a policy that was consistent with the best thinking of eugenicists throughout the world. K.M. Ludmerer quotes an editorial statement from the American publication, Eugenical News, that concluded, "It is difficult to see how the new German Sterilization Law could, as some have suggested, be deflected from its purely eugenical purpose, and made an 'instrument of tyranny' for the sterilization of non-Nordic races." It would be many years before most American eugenicists would comprehend the connection between their own work and the stark atrocities of the Nazi regime. It is estimated that between 1933 and 1945, two million people were declared defective and were sterilized by the Nazis. Perhaps it is because of the awfulness of the other atrocities committed during this period that so little attention has been focused on this reality. The dimensions of this infringement on the basic rights of so many human beings are, however, staggering. Recognizing that the legal, social and scientific sources of this practice were largely American is, for this American, chilling. Indeed, it is sobering to read the words of Adolf Hitler in Mein Kampf written in 1924 and translated into English in the same year, 1927, that Oliver Wendell Holmes wrote the majority opinion in Buck v. Bell. They so clearly illustrate the common influence of eugenic thought in two figures whose historical portraits are so otherwise different. Hitler argued that the "...right of personal freedom recedes before the duty to preserve the race...The demand that defective people be prevented from

propagating equally defective offspring is a demand of the clearest reason and if systematically executed represents the most humane act of mankind. It will spare millions of unfortunates undeserved sufferings, and consequently will lead to a rising improvement of health as a whole."

Otto Hofmann, a high ranking SS officer, was one of the facilitators of policies aimed at what the Nazis conceptualized as the "final solution to the Jewish question". He was head of the Race and Settlement Main Office of the Reichsfuehrer-SS. The fifth volume of Trials of the War Criminals Before the Nuremberg Military Tribunals contains records of the conviction for war crimes of Otto Hofmann. It states that the evidence "establishes beyond any reasonable doubt Hofmann's guilt and criminal responsibility for the following criminal activities pursued in the furtherance of the Germanization program:"...forcible abortions on Eastern workers; taking away infants of Eastern workers; the illegal and unjust punishment of foreign nationals for sexual intercourse with Germans;[and] hampering the reproduction of foreign populations[forced sterilizations]...".

While the fifth volume of records of the Nuremberg Tribunals contains the conviction of Otto Hofmann, the fourth volume includes documents which were entered in his defense. Among them is an abstract prepared in 1937 by the Information Service of the Racial-Political Office of the Reich Administration. It concerns what are called "Race Protection Laws of Other Countries" and appears to have been entered as evidence on Hofmann's behalf to show that the practices he engaged in during the war were based on precedents from other "civilized" nations. It contains a litany of sterilization policies from countries including Denmark, Finland, Norway and Sweden. The litany ends with a detailed

discussion of sterilization laws in the United States. It references the decision in Carrie Buck's case.

> "UNITED STATES OF AMERICA
>
> ...Those affected by the law were primarily criminals, feeble-minded, insane, epileptics, alcoholic and narcotic addicts, as well as prostitutes. Although almost all states try to carry out sterilization on a voluntary basis the courts have more than once ordered compulsory sterilizations. In a judgement of the Supreme Court of [1927]...it says, among other things: 'It is better for everybody if society, instead of waiting until it has to execute degenerate offspring or leave them to starve because of feeble-mindedness, can prevent obviously inferior individuals from propagating their own kind. The principle justifying compulsory vaccination is broad enough to cover the severing of the Fallopian tubes'".

The words of Justice Oliver Wendell Holmes in this context are a sobering reminder of the credibility bestowed upon eugenic philosophy and policy, and the atrocities committed, as Daniel Kevles has so well described it, "in the name of eugenics."

Holmes in writing the majority opinion in Buck v. Bell used the now famous phrase, "three generations of imbeciles are enough". His reasoning and language were consistent with the eugenic view that many socially undesirable traits, including mental retardation, were largely hereditary. Inherent in this view was the idea that even complex human traits could be traced to simple genetic causes. Eugenicists believed, in fact, that most human characteristics could be linked directly to single genes. They held that not only physical

traits like eye color and height, but also personality attributes were determined by a single gene. This confidence in Mendelian genetics was extended to the determination of occupational preferences, academic interests, talents, and even character strengths and weaknesses. It was claimed that mechanical skill, artistic and musical ability were simple recessive gene traits. "Shiftlessness" was also included in this list of recessive traits. Violent temperament, it was reasoned, must be a dominant gene trait since it does not skip generations. In a study entitled The Nam Family:A Study in Cacogenics Charles Davenport reported that laziness was a dominant trait, while abusive drinking and shyness were simple recessives. These enthusiastic excursions into biological determinism and reductionism may sound humorous when viewed from our current perspective but they were the basis for great human tragedy. Such simplistic views about human beings were inherent in the conviction that sterilization would help stem a feared flood of incompetence resulting from genetic blight, and they were used to stereotype whole classes of people. While the eugenics movement was obsessed with race and ethnicity, it also focused on perceived differences in social classes within racial and ethnic groups. In her book, White Trash:The Eugenic Family Studies, Nicole Hahn Rafter portrays the family degeneracy studies which were conducted as part of the eugenics movement in the United States as having been focused primarily on lower class caucasian families, on the "poor white trash" of early twentieth century America. When Carrie Buck's case was first heard a report was submitted as testimony by Harry Laughlin, the author of the model sterilization law that Virginia had adopted. He had analyzed information on Carrie and her family and he offered his report in support of her being sterilized. In commenting on her heritage, Laughlin, said, "These people belong to

the shiftless, ignorant and worthless class of anti-social whites of the South...[they are an] ignorant and moving class of people...".

Henry Goddard in his book on the Kallikak family made the following comments about the kind of lower socio-economic class people who were the subjects of his study: "If all of the slum districts of our cities were removed tomorrow and model tenements built in their places, we would still have slums in a week's time because we have these mentally defective people who can never be taught to live otherwise than as they have been living. Not until we take care of this class and see to it that their lives are guided by intelligent people, shall we remove these sores from our social life".

It was on the basis of these beliefs and this reasoning that Carrie Buck was sterilized. Thus the precedent was established for the suspension of the rights of some individuals and classes for the protection of society. These views, with the credibility afforded them by being grounded in what was accepted as scientific fact, became powerful forces in shaping public opinion and social policy.

The eugenic evidence and predictions in Carrie Buck's case have proven in my own investigations, and those of others, to be grossly inaccurate. Carrie's child, Vivian, alleged to represent the "third generation of imbeciles", actually grew to be an attractive child who was an honor roll student. Carrie, charged with being the second generation of imbeciles, was paroled after her sterilization to a mountain village where she soon married the deputy sheriff. There she lived a modest, but productive and respectable, life. Following the death of her husband she moved to a larger town where she earned her living caring for elderly and chronically ill people. Friends and employers attested to the fact that Carrie Buck was

not mentally deficient. Indeed, mental health professionals who observed her late in her life found no evidence of mental retardation. A bit more research, in fact, on the part of those who claimed to have found defectiveness to be innate in Carrie's genealogy would have uncovered a quite different picture. If the eugenic field researchers in her case had looked just two more branchings back on Carrie's family tree they would have discovered that her grandfather and great grandfather in the Buck line were both prosperous farmers. Analysis of another branching back would have revealed that, ironically, she was descended from one of the most prominent families in Virginia's history.

Carrie's story is a tragic saga of one injured life. It is also an important illustration of the allure and dangers of biological deterministic thought. The lawyers, physicians and scientists involved with the case were not sinister figures intent upon doing harm to this woman or the class of people she represented. They were convinced that they were serving the best interests of society by their actions. They saw in Carrie's life what they expected to see, and they used it to advance a scientific and political position that they felt would lead to the eradication of social problems and prevention of suffering. They were wrong. The idea that created the misfortune of Carrie Buck has repeatedly produced tragic results. That idea is that human life can be reduced to biology and that human institutions can best be guided by the realities of biological determinism. The result has been that some families, some nationalities, some races, some ethnic groups and some social classes have been viewed as being naturally, inherently, and unmodifiably inferior. It has been on this basis that they have been deprived of their dignity and rights.

Robert Cynkar has noted that Justice Oliver Wendell Holmes in 1920, seven years before the decision in Buck v. Bell, observed, "The law is the witness and external deposit of our moral life. Its history is the history of the moral development of the race." Cynkar also quotes Holmes's book published in 1881 entitled The Common Law. On the first page of that book Holmes said:

> "...The life of the law has not been logic; it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed...it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics."

The Human Genome Project will most certainly result in scientific knowledge and medical capabilities which will bring into question the issue of "felt necessities" in relation to fundamental values. The technology of tubal ligation and vasectomy were developed in the 1890s, by 1927 it was a "felt necessity" of society that those deemed defective on the basis of eugenic science must be sterilized. The Human Genome Project will provide insights into human nature with a validity incomparable to the inaccuracies of the eugenics movement. It will provide for the development of technologies which will eclipse anything that medicine has known before. The potentials for human benefit are obviously enormous. It seems to this observer, however, that the greatest challenge posed by the Human Genome Project will be to conduct its work and provide the benefits of its efforts to a world of

people who are seen as much more than the sum total of their biological components. To rise above the temptations and dangers of biological determinism we must continue to see people, with all due respect to B.F. Skinner, as agents of freedom and dignity.

Our first commitment must be, I believe, to basic human rights and values. Even when the capacity to intervene expediently in the lives of others seems to be best for them and society; even when the "felt necessities of our times" seem to urge us so compellingly to act quickly and efficiently, this must be true. The ethical foundations of human life are to be found in human sources. The eugenicists looked to evolutionary theory and Mendelian genetics for moral truths. They felt that natural selection and Mendelian gene distributions could provide models for social ethics. The failure of this approach was evidenced in the needless institutionalization of those deemed to be "unfit" for the social "struggle", in the sterilization of people inaccurately assessed to be the carriers of defective genes and in the moral horrors of the holocaust.

Moral and ethical agency is an attribute of people, not of science or the scientific method. The recognition that we are ethical and moral agents, and that the decisions of what we should do, as opposed to what we can do, rests with us as people is intimidating. On the other hand, it is exciting. I believe this meeting is an expression of that recognition. As the power of science for human benefit grows through the work of the Human Genome Project, so grows the importance of ethical questions about the use and yield of that power. The great significance of this session may be the opportunities it provides for exchanges between people who are motivated by the making of discoveries, and who seek to understand the human truth of those discoveries. I am honored to be a participant in this

forum, and I feel a sense of exhilaration at the potential that these conversations will have for the future. I am also grateful for the importance that the opportunity to speak with this distinguished gathering bestows on the life of a poor, uneducated woman who devoted her life to caring for others, my presentation to you is dedicated to Carrie Buck.

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